THE MADRAS LEGISLATIVE ASSEMBLY

Monday, 19th March 1956.

The House met in the Assembly Chamber, Government Estate, Mount Road, at nine of the clock, Mr. Speaker (THE HON. SRI N. GOPALA MENON) in the Chair.

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

Appointment of a District Judge

* SHORT NOTICE QUESTION 47.—SRI V. BALAKRISHNAN: Will the Hon. the Minister for Finance be pleased to state—

(a) whether the Government recently advertised calling for applications for appointment to the post of a District Judge by direct recruitment in this State;

(b) if so, the number of applications received;

(c) the number of candidates interviewed;

(d) how many of them belong to the backward classes; and

(e) whether any candidate belonging to bacward classes has been selected?

THE HON. SRI C. SUBRAMANIAM: (a) Yes.

(b) Seventy-four applications.

(c) Thirty-nine candidates were interviewed.

(d) Six candidates.

(e) No.

SRI V. BALAKRISHNAN: Whose is the final voice in the selection of candidates? Is it that of the Government or of the High Court?

THE HON. SRI C. SUBRAMANIAM: The Government's.

SRI V. R. NAGARAJAN: Did the High Court send a panel of names and if so, how many names were sent and what are the names of candidates contained in the panel.

THE HON. SRI C. SUBRAMANIAM: They recommended five persons. I am sorry I do not have the list of persons.

SRI S. PANCHAKSHARAM: Who is that fortunate individual who has been selected as District Judge and from what district?

THE HON. SRI C. SUBRAMANIAM: Sri S. Ganesan, M.A., B.L., has been selected. I think he belongs to Madurai district.

[19th March 1956

SRI K. VINAYAKAM : By way of curiosity may I know to what community he belongs?

THE HON. SRI C. SUBRAMANIAM : He belongs to a non-backward class community.

SRI V. R. NAGARAJAN : Did the panel contain the name of any backward class applicant?

THE HON. SRI C. SUBRAMANIAM : Yes, Sir. One name was recommended by the High Court.

SRI K. VINAYAKAM : My curiosity having been aroused, it still goes still father. To what sub-section of the non-backward community he belongs?

THE HON. SRI C. SUBRAMANIAM : I do not have the sub-sect here on record.

SRI S. PANCHAKSHARAM : The Government interviewed the candidates. Who are the members of the Cabinet who interviewed the candidates?

THE HON. SRI C. SUBRAMANIAM : The Cabinet do not have anything to do with the interviews. It is the High Court which interviews the candidates and they send a panel of names. Then the Government select one.

SRI V. BALAKRISHNAN : Who is that backward class applicant in the panel of names forwarded by the High Court?

THE HON. SRI C. SUBRAMANIAM : I do not have the name with me.

SRI K. VINAYAKAM : Will the Hon. Minister deny my statement when I say that the fortunate incumbent happens to be a Nadar Community man.

THE HON. SRI C. SUBRAMANIAM : Might be, Sir.

SRI K. P. GOPALAN : On what basis the candidate was selected?

THE HON. SRI C. SUBRAMANIAM : On the basis of merit.

SRI S. SWAYAMPRAKASAM : When a backward community candidate has been recommended by the High Court, what is the consideration that weighed with the Government in not selecting him?

THE HON. SRI C. SUBRAMANIAM : Consideration of merit.

SRI S. PANCHAKSHARAM : I think there is a mistake in the answer given by the Hon. Finance Minister that the candidate who has been selected is a non-backward community man. When a question was asked by the hon. Member Sri K. Vinayakam whether he happens to be a Nadar, the Hon. Minister replied that it might be. But Nadars belong to a backward community.

THE HON. SRI C. SUBRAMANIAM : No, Sir. Nadars do not belong to the backward community.

19th March 1956]

SRI V. R. NAGARAJAN : Is this Government implementing Article 47 of the Constitution? Article 47, as the Hon. Minister might remember, provides for upliftment of weaker sections of the people and backward classes come definitely under that term. Is this Government giving them any protection under that article by giving them posts like this or are they being simply ignored?

THE HON. SRI C. SUBRAMANIAM : I do not believe that protection can be given only by appointment to the District Judge's post. As far as the District Judge's post is concerned, as far as possible merit is taken into consideration and merit being equal, then priority may be given to backward class communities.

SRI S. SWAYAMPRAKASAM : Under similar circumstances in the year 1952 or 1953 out of five persons with equal qualifications recommended by the High Court one man belonging to the community of the Chief Minisster was appointed. Under similar circumstances, the same thing has been repeated now. May I know from Government when they are advocating the establishment of a casteless society, the Congress Government is establishing the feelings of community in this country and thereby misleading the public.

THE HON. SRI C. SUBRAMANIAM : On the other hand, the hon. Member is misleading the public saying that the former Chief Minister selected a particular candidate because he belonged to his community and the present Chief Minister has selected this candidate because perhaps he belongs to his community. Community did not play any part at all. It is only purely on the question of merit and after going through the records of each candidate this particular candidate was selected. So also on the previous occasion.

SRI S. DAIVASIGAMONEY : Merit which plays a very large part is a nebulous thing. Merit usually means the weight of influence that a person is able to wield. In this case all the persons who were interviewed were advocates of longstanding practice. It cannot be said that one man is superior to the other person, intellect being constant to every person. Therefore, is it not a fact that in the case of judging these candidates when the Government say that the person was selected on merit, classes, communities and also the groups to which they belonged have been taken into consideration? In this particular case is not a fact that a certain backward community with a large number of persons who are advocates, waited on a deputation to the Chief Minister and represented that their claims were not considered for a long time?

MR. SPEAKER : The hon. Members should put a question and not make a speech.

THE HON. SRI C. SUBRAMANIAM : The claims of everybody were considered and on a consideration of the merits of each candidate this particular candidate was selected. But the hon. Member was pleased to say that since everybody is an advocate, everybody is equally qualified. That is not so. The practice each candidate

[19th March 1956

commands, academic qualifications and other attainments are also taken into consideration and taking all those things into consideration, this particular candidate was selected.

9-10 a.m SRI A. M. RATNASWAMI : Am I correct in assuming that this backward class person occupied the last place in the panel of names recommended by the High Court?

THE HON. SRI C. SUBRAMANIAM : I am sorry I do not have the list here. I do not remember in what rank the Backward Community person was placed.

SRI T. C. NARAYANAN NAMBIAR : May I know whether there were applications from the weaker sex or lady advocates?

THE HON. SRI C. SUBRAMANIAM : I do not know whether any lady applied. Anyhow no lady was recommended by the High Court.

SRI K. VINAYAKAM : Time and again this Government have been saying that they are giving preferential treatment to Backward Communities. In the panel of names, there was one Backward Community candidate. Other things being equal, why was he not selected? Does this not show that the Government's saying that they are encouraging Backward Communities is only showing lip sympathy to them?

THE HON. SRI C. SUBRAMANIAM : Other things were not equal. The selected candidate had a better claim than any other candidate.

SRI V. R. NAGARAJAN : The Hon. Minister said that six Backward Community candidates were interviewed. May I know what their demerits were to disentitle them to selection?

THE HON. SRI C. SUBRAMANIAM : Only one candidate of the Backward Community was recommended. Out of the five names submitted, we had to select the best. We had to go through the record and find out which of them had the best claim. After such consideration, one candidate was chosen. This choice does not mean any reflection on the merits of others.

SRI S. DAIVASIGAMONEY : Backward Communities are in a minority and according to the Constitution they should be preferred. Merit does not matter at all. The provision in the Constitution provides that a handicap should be given to Backward Classes. Why was that provision overlooked and a non-backward-community man was selected?

THE HON. SRI C. SUBRAMANIAM : It is only with reference to recruitment to certain categories of offices that reservation has been provided for. No reservation has been provided for to the posts of District Judges and this has been the practice for the last 20 or 25 years. Taking that into consideration, recruitment had to be made purely on merit.